



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Wayne
M/035/012

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 20, 1995

A. John Davis
Pruitt, Gushee and Bachtell
Suite 1850, Beneficial Life Tower
Salt Lake City, Utah 84111-1495

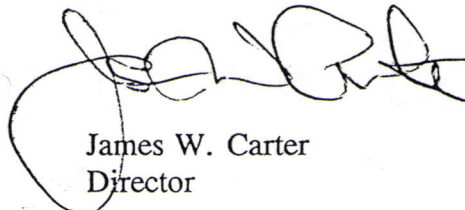
Re: Parley's Canyon Aggregate Company

Dear John:

I am writing, belatedly, to follow up on your letter of November 15th concerning your client Parley's Canyon Aggregate and the recent decision of the Utah Supreme Court in the Larson Limestone Case. Notwithstanding our probably differing interpretations of the Utah Supreme Court's dicta in that case, the Board's interpretation of the definition of sand, gravel and rock aggregate was not explicitly overturned by the Court. This at least raises a question as to whether or not operators who are not currently regulated under the Utah Mine Land Reclamation Act would be required to submit mining and reclamation plans and reclamation surety if the Board's definition of sand, gravel and rock aggregate were applied to them. While I am not eager to disturb slumbering dogs, the Division needs to work out an approach to resolving the apparent inconsistency. The solution may be legislative.

In the meantime, the Division does not plan to take any enforcement action based upon the Board's definition. I'll keep you apprised of progress.

Very truly yours,



James W. Carter
Director

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